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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,117	12/09/2003	Sugio Makishima	2091-0304P	4321
2292 7590 06/25/2010 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040 0747			EXAMINER	
			BEMBEN, RICHARD M	
FALLS CHURCH, VA 22040-0747			ART UNIT	PAPER NUMBER
			2622	
			NOTIFICATION DATE	DELIVERY MODE
			06/25/2010	ELECTRONIC

## Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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	Application No.	Applicant(s)
Examiner-Initiated Interview Summary	10/730,117	MAKISHIMA ET AL.
Examiner-initiated interview daminary	Examiner	Art Unit
	RICHARD M. BEMBEN	2622
All Participants:	Status of Application: <u>98</u>	
(1) <u>RICHARD M. BEMBEN</u> .	(3)	
(2) <u>Paul T. Sewell (Reg. No. 61,784)</u> .	(4)	
Date of Interview: <u>18 May 2010</u>	Time: <u>9AM EST</u>	
Type of Interview:  ☐ Telephonic ☐ Video Conference ☐ Personal (Copy given to: ☐ Applicant  ☐ Exhibit Shown or Demonstrated: ☐ Yes ☐ Yes, provide a brief description:	nt's representative)	
Part I.		
Rejection(s) discussed:		
Claims discussed: 1, 8, 9		
Prior art documents discussed:  U.S. Patent No. 6,094,217 issued to Nishimura		
Part II.		
SUBSTANCE OF INTERVIEW DESCRIBING THE GENER See Continuation Sheet	RAL NATURE OF WHAT WAS	DISCUSSED:
Part III.		
<ul> <li>It is not necessary for applicant to provide a separate redirectly resulted in the allowance of the application. The of the interview in the Notice of Allowability.</li> <li>It is not necessary for applicant to provide a separate redid not result in resolution of all issues. A brief summary</li> </ul>	examiner will provide a writte ecord of the substance of the	en summary of the substance interview, since the interview
(A	pplicant/Applicant's Representat	ive Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: The Examiner considered the IDS filed 15 March 2010 and found the Nishimura patent to anticipate independent claims 1 and 9 but not dependent claim 8 (as presented in the 11 January 2010 amendment). The Nishimura reference quailifies as a 35 U.S.C. 102(e) reference and is commonly assigned to the Applicant. As such, the Applicant could disqualify prior art (a secondary reference) used to reject claim 8 under 35 U.S.C. 103(c) by establishing common ownership of the Nishimura patent. MPEP 706.02(I) [R-6]. Therefore, the Examiner indicated to the Applicant that if the Applicant established common ownership of the Nishimura patent and incorporated the limitations of dependent claim 8 into independent claims 1 and 9, the application would be in condition for allowance. Applicant agreed to amend the claims as suggested by the Examiner and to fax a statement of common ownership of the Nishimura patent to the Examiner.